

ORIGINAL

JUN 23 2005

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

LUTHER D. THOMAS, Clerk  
By: *[Signature]* Deputy Clerk

**TONY L. WARE, CEO and  
T. L. WARE BOTTLING CO., INC.,**

**Plaintiffs,**

**vs.**

**FLEETBOSTON FINANCIAL CORP.  
F/K/A BANKBOSTON CORP.**

**Defendant.**

**CIVIL ACTION FILE NUMBER:**

**1: 05 - C V - 0 4 2 6 - M H S**

**NOTICE OF APPEAL**

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**COMES NOW, TONY L. WARE, CEO and T.L. WARE BOTTLING COMPANY, INC.,** all Plaintiffs in the above-styled civil action pursuant to Federal Rules of Appellate Procedure, FRAP Rule 4(a)(1)(A) do hereby appeals to the Eleventh Circuit Court of Appeals from the void Orders entered on May 26<sup>th</sup>, 2005 by this Court. The Plaintiffs maintain that this Court lacks subject matter jurisdiction in this case to issue any orders in this case under the *Rooker-Feldman* doctrine.

**This 23<sup>rd</sup>, day of June, 2005.**

**Respectfully Submitted By:**

*[Signature of Michael R. Johnson, Sr.]*

**Michael R. Johnson, Sr.  
Attorney for the Plaintiff  
Georgia Bar No. 395056  
Johnson & Associates, P. C.  
340 West Peachtree Street, N.E.  
Suite 200  
Atlanta, Georgia 30308**

**Respectfully Submitted By:**

*[Signature of Tony L. Ware]*

**Tony L. Ware, JD, Plaintiff  
Chairman & CEO  
P. O. Box 150524-Dept. 0227  
Atlanta, Georgia 30315-0188  
(404) 945-0342**

U.S. District Court  
 Northern District of Georgia  
 Atlanta Division  
 75 Spring St SW, Atl, GA 30339  
 MICHAEL R. JOHNSON SR

# 638099 JW 6/23/2005 @ 15:22

Check	150.00
Fund:510000	
MICHAEL R. JOHNSON SR	
1:05-CV-426-MHS	
Check	100.00
Fund:006900	
MICHAEL R. JOHNSON SR	
1:05-CV-426-MHS	
Cash	5.00
Fund:006900	
MICHAEL R. JOHNSON SR	
1:05-CV-426-MHS	

Total	255.00
Tendered	270.00
Change	15.00